

105TH CONGRESS
1ST SESSION

S. 912

To provide for certain military retirees and dependents a special medicare part B enrollment period during which the late enrollment penalty is waived and a special medigap open enrollment period during which no underwriting is permitted.

IN THE SENATE OF THE UNITED STATES

JUNE 16, 1997

Mr. BOND introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide for certain military retirees and dependents a special medicare part B enrollment period during which the late enrollment penalty is waived and a special medigap open enrollment period during which no underwriting is permitted.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. MEDICARE PART B SPECIAL ENROLLMENT PE-**
 2 **RIOD AND WAIVER OF PART B LATE ENROLL-**
 3 **MENT PENALTY AND MEDIGAP SPECIAL**
 4 **OPEN ENROLLMENT PERIOD FOR CERTAIN**
 5 **MILITARY RETIREES AND DEPENDENTS.**

6 (a) MEDICARE PART B SPECIAL ENROLLMENT PE-
 7 RIOD; WAIVER OF PART B PENALTY FOR LATE ENROLL-
 8 MENT.—

9 (1) IN GENERAL.—In the case of any eligible
 10 individual (as defined in subsection (c)), the Sec-
 11 retary of Health and Human Services shall provide
 12 for a special enrollment period during which the in-
 13 dividual may enroll under part B of title XVIII of
 14 the Social Security Act (42 U.S.C. 1395j et seq.).
 15 Such period shall be for a period of 6 months and
 16 shall begin with the first month that begins at least
 17 45 days after the date of enactment of this Act.

18 (2) COVERAGE PERIOD.—In the case of an eli-
 19 gible individual who enrolls during the special enroll-
 20 ment period provided under paragraph (1), the cov-
 21 erage period under part B of title XVIII of the So-
 22 cial Security Act shall begin on the first day of the
 23 month following the month in which the individual
 24 enrolls.

25 (3) WAIVER OF PART B LATE ENROLLMENT
 26 PENALTY.—In the case of an eligible individual who

1 enrolls during the special enrollment period provided
 2 under paragraph (1), there shall be no increase pur-
 3 suant to section 1839(b) of the Social Security Act
 4 (42 U.S.C. 1395r(b)) in the monthly premium under
 5 part B of title XVIII of such Act.

6 (b) MEDIGAP SPECIAL OPEN ENROLLMENT PE-
 7 RIOD.—Notwithstanding any other provision of law, an is-
 8 suer of a medicare supplemental policy (as defined in sec-
 9 tion 1882(g) of the Social Security Act (42 U.S.C.
 10 1395ss))—

11 (1) may not deny or condition the issuance or
 12 effectiveness of a medicare supplemental policy; and

13 (2) may not discriminate in the pricing of the
 14 policy on the basis of the individual’s health status,
 15 medical condition (including both physical and men-
 16 tal illnesses), claims experience, receipt of health
 17 care, medical history, genetic information, evidence
 18 of insurability (including conditions arising out of
 19 acts of domestic violence), or disability;

20 in the case of an eligible individual who seeks to enroll
 21 during the 6-month period described in subsection (a)(1).

22 (c) ELIGIBLE INDIVIDUAL DEFINED.—In this sec-
 23 tion, the term “eligible individual” means an individual—

24 (1) who, as of the date of the enactment of this
 25 Act, has attained 65 years of age and was eligible

1 to enroll under part B of title XVIII of the Social
2 Security Act, and

3 (2) who at the time the individual first satisfied
4 paragraph (1) or (2) of section 1836 of the Social
5 Security Act (42 U.S.C. 1395o)—

6 (A) was a covered beneficiary (as defined
7 in section 1072(5) of title 10, United States
8 Code), and

9 (B) did not elect to enroll (or to be deemed
10 enrolled) under section 1837 of the Social Secu-
11 rity Act (42 U.S.C. 1395p) during the individ-
12 ual's initial enrollment period.

13 The Secretary of Health and Human Services shall con-
14 sult with the Secretary of Defense in the identification of
15 eligible individuals.

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